

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

OP.No. 19996 of 2001(E)

PETITIONERS:

1. RADHA, AGED 58, W/O. LATE KRISHNANKUTTY,
PULAMMYALIL HOUSE, KULLETUKKARA VILLAGE,
KULLETUKKARA DESOM, KANAYANNUR TALUK.
2. PRASANNA, AGED 23, W/O. SAJUMON,
PULAMMYALIL HOUSE,
KULLETUKKARA VILLAGE,
KULLETUKKARA DESOM,
KANAYANNUR TALUK.

BY ADV. SRI.VARGHESE C.KURIAKOSE.

RESPONDENTS:

1. STATE OF KERALA, REP. BY
CHIEF SECRETARY,
SECRETARIAT,
TRIVANDRUM.
2. THE DISTRICT COLLECTOR,
ERNAKULAM,
CIVIL STATION, KAKKANAD.
3. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY,
KANAYANNUR TALUK, ERNAKULAM.

O.P. NO. 19996/2001:

4. VILLAGE OFFICER,
AMBALLOOR VILLAGE,
AMBALLOOR.

BY GOVERNMENT PLEADER SRI. PUZHAKKARA MOHAMMED.

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

ORDER ON C.M.P. NO. 32396/2001 IN O.P. NO. 19996/2001

DISMISSED

26/11/2007.

SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE WILL DEED DTD. 17/09/2000 EXECUTED BY 1ST PETITIONER'S HUSBAND KRISHNANKUTTY.

EXT.P.2: COPY OF THE NOTICE ISSUED BY R.3. UNDER SECTION 7 OF THE KERALA REVENUE RECOVERY ACT.

EXT.P.3: COPY OF THE APPEAL PREFERRED BY THE PETITIONERS BEFORE THE R.2.

EXT.P.4: COPY OF THE STAY PETITION PREFERRED BY THE PETITIONERS BEFORE THE R.2.

EXT.P.5: COPY OF THE JUDGEMENT O.P. NO. 8074/2001 DTD. 20/03/2001 PASSED BY THIS HONOURABLE COURT.

EXT.P.6: COPY OF THE ORDER DTD. 29/05/2001 ISSUED BY THE R.2. TO THE PETITIONERS.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P. NO. 19996 OF 2001

Dated this the 26th day of November, 2007.

J U D G M E N T

Petitioners approached this court aggrieved by the steps taken for revenue recovery. The main grievance is that Ext.P3 appeal was not considered by the 2nd respondent. There is no counter affidavit. There will be a direction to the 2nd respondent to consider Ext.P3 with notice to the petitioners and pass appropriate orders thereon in accordance with law. This shall be done within a period of four months from the date of production of a copy of this judgment. Till orders are passed as above, there shall not be any further recovery.

The original petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

ps

KURIAN JOSEPH, J.

O.P. NO. 19996 OF 2001

J U D G M E N T

26.11.2007